

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

COREY D. YOUNG,
Plaintiff,

v.

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,
et al.,

Defendants.

CASE NO. C18-5681RBL

ORDER

THIS MATTER is before the Court on Magistrate Judge Fricke's Report and Recommendation [Dkt. # 23], recommending that the Court (1) grant defendants' Motion for Summary Judgment [Dkt. # 21] dismissing Plaintiff Young's Section 1983 claims, and (2) decline to exercise supplemental jurisdiction over Young's remaining state law claims, and instead remand them to state court. The Court has considered the State's objections to that Report and Recommendation [Dkt. # 29]. While the State's objections¹ make some sense, binding authority mandates that the dismissal is without prejudice.

¹ The State argues that dismissal without prejudice (for failure to exhaust administrative remedies) would invite a "pointless cycle" of litigation. This argument is not without irony given the State's insistence that Young was required to appeal its Level II administrative determination that his claim was "not substantiated," and to exhaust his

1 (1) The Court ADOPTS the Report and Recommendation; and

2 (2) Defendants' motion for summary judgment is GRANTED with respect to all
3 42 U.S.C. Section 1983 claims and those claims are DISMISSED WITHOUT PREJUDICE; and

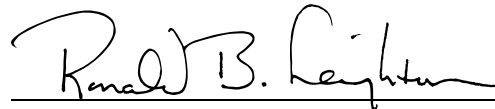
4 (3) Under 28 U.S.C. §1367(c) the Court DECLINES to the exercise supplemental
5 jurisdiction over the remaining state law negligence claims and those claims are REMANDED to
6 the Superior Court of the State of Washington for Pierce County; and

7 (4) The Clerk is directed to SEND a certified copy of this order to the Pierce County
8 Superior Court; and

9 (5) The Clerk is directed to CLOSE this case.

10 IT IS SO ORDERED.

11 Dated this 31st day of January, 2020.

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14 Ronald B. Leighton
United States District Judge

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23 _____
24 Level III grievance, before suing here over an event the State now admits happened: Defendant Kallenbach intentionally poured hot coffee down Young's back.